

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 319**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Education - Elementary and Secondary, April 26, 2001, with recommendation that the House Committee Substitute for Senate Bill No. 319 Do Pass.

TED WEDEL, Chief Clerk

1037L.04C

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**AN ACT**

To repeal sections 160.518, 167.640 and 167.645, RSMo 2000, and to enact in lieu thereof three new sections relating to assessment of students, with an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 160.518, 167.640 and 167.645, RSMo 2000, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 160.518, 167.640 and 167.645, to  
3 read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state board  
2 of education shall develop a statewide assessment system that provides maximum flexibility for  
3 local school districts to determine the degree to which students in the public schools of the state  
4 are proficient in the knowledge, skills and competencies adopted by such board pursuant to  
5 subsection 1 of section 160.514. The statewide assessment system shall assess problem solving,  
6 analytical ability, evaluation, creativity and application ability in the different content areas and  
7 shall be performance-based to identify what students know, as well as what they are able to do,  
8 and shall enable teachers to evaluate actual academic performance. The assessment system shall  
9 neither promote nor prohibit rote memorization and shall not include existing versions of tests  
10 approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such  
11 tests. The statewide assessment shall measure, where appropriate by grade level, a student's  
12 knowledge of academic subjects including, but not limited to, reading skills, writing skills,  
13 mathematics skills, world and American history, forms of government, geography and science.  
14 2. The assessment system shall only permit the academic performance of students in each

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 school in the state to be tracked against prior academic performance in the same school.

16 3. The state board of education shall suggest criteria for a school to demonstrate that its  
17 students learn the knowledge, skills and competencies at exemplary levels worthy of imitation  
18 by students in other schools in the state and nation. "Exemplary levels" shall be measured by the  
19 assessment system developed pursuant to subsection 1 of this section, or until said assessment  
20 is available, by indicators approved for such use by the state board of education. The provisions  
21 of other law to the contrary notwithstanding, the commissioner of education may, upon request  
22 of the school district, present a plan for the waiver of rules and regulations to any such school,  
23 to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4  
24 of this section.

25 4. For any school that meets the criteria established by the state board of education for  
26 three successive school years pursuant to the provisions of subsection 3 of this section, by  
27 August first following the third such school year, the commissioner of education shall present  
28 a plan to the superintendent of the school district in which such school is located for the waiver  
29 of rules and regulations to promote flexibility in the operations of the school and to enhance and  
30 encourage efficiency in the delivery of instructional services. The provisions of other law to the  
31 contrary notwithstanding, the plan presented to the superintendent shall provide a summary  
32 waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the  
33 school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail  
34 a means for the waiver of requirements otherwise imposed on the school related to the authority  
35 of the state board of education to classify school districts pursuant to subdivision (9) of section  
36 161.092, RSMo, and such other rules and regulations as determined by the commissioner of  
37 education, excepting such waivers shall be confined to the school and not other schools in the  
38 district unless such other schools meet the criteria established by the state board of education  
39 consistent with subsection 3 of this section and the waivers shall not include the requirements  
40 contained in this section and section 160.514. Any waiver provided to any school as outlined  
41 in this subsection shall be void on June thirtieth of any school year in which the school fails to  
42 meet the criteria established by the state board of education consistent with subsection 3 of this  
43 section.

44 **5. The score on any assessment test developed pursuant to this section or this**  
45 **chapter of any student for whom English is a second language shall not be counted until**  
46 **such time as such student has been educated for three full school years in a school in this**  
47 **state, or in any other state, in which English is the primary language.**

167.640. 1. School districts may adopt a policy with regard to student promotion which  
2 may require remediation as a condition of promotion to the next grade level for any student  
3 identified by the district as failing to master skills and competencies established for that

4 particular grade level by the district board of education. School districts may also require parents  
5 or guardians of such students to commit to conduct home- based tutorial activities with their  
6 children or, in the case of a student with disabilities eligible for services pursuant to sections  
7 162.670 to 162.1000, RSMo, the individual education plan shall determine the nature of parental  
8 involvement consistent with the requirements for a free, appropriate public education.

9       2. Such remediation shall recognize that different students learn differently and shall  
10 employ methods designed to help these students achieve at high levels. Such remediation may  
11 include, but shall not necessarily be limited to, a mandatory summer school program focused on  
12 the areas of deficiency or other such activities conducted by the school district outside of the  
13 regular school day. Decisions concerning the instruction of a child who receives special  
14 educational services pursuant to sections 162.670 to 162.1000, RSMo, shall be made in  
15 accordance with the child's individualized education plan.

16       3. School districts providing remediation pursuant to this section outside of the  
17 traditional school day may count extra hours of instruction in the calculation of average daily  
18 attendance as defined in section 163.011, RSMo.

19       [4. Any student scoring at the lowest level of proficiency, in any subject, at any grade  
20 level under the statewide assessment established pursuant to section 160.518, RSMo, shall be  
21 required to retake that assessment in the following year. School districts shall evaluate student  
22 progress toward proficiency after the initial assessment and report this progress in the aggregate  
23 at the building level as a part of the annual report issued to patrons of the district pursuant to  
24 section 160.522, RSMo.

25       5. The state board of education shall establish by administrative rule a method for  
26 determining effectiveness of the remediation to students identified pursuant to subsection 4 of  
27 this section. Such rule shall make allowances for students who have recently entered the school  
28 district. School districts are required to report only the scores of students meeting the district's  
29 attendance policy and no report shall disclose student achievement data in such a manner that  
30 would personally identify any student.

31       6. The state board of education, beginning in the 2001-02 school year, shall include the  
32 data reported pursuant to subsection 4 of this section as an element in identifying academically  
33 deficient schools pursuant to section 160.538, RSMo, and in the school accreditation process  
34 pursuant to section 161.092, RSMo.]

167.645. [No public school student shall be promoted to a higher grade level unless that  
2 student has a reading ability level at or above one grade level below the student's grade level;  
3 except that the provisions of this subsection shall not apply to students receiving special  
4 education services pursuant to sections 162.670 to 162.999, RSMo.] **1. For purposes of this**  
5 **section, the following terms mean:**

6           (1) "Reading assessment", a recognized method of judging a student's reading  
7 ability, with results expressed as reading at a particular grade level. The term reading  
8 assessment shall include, but is not limited to, standard checklists designed for use as a  
9 student reads out loud, paper-and-pencil tests promulgated by nationally recognized  
10 organizations and other recognized methods of determining a student's reading accuracy,  
11 expression, fluency and comprehension in order to make a determination of the student's  
12 grade-level reading ability. Assessments which do not give a grade-level result may be used  
13 in combination with other assessments to reach a grade-level determination. Districts are  
14 encouraged but not required to select assessment methods identified pursuant to section  
15 167.346. Districts are also encouraged to use multiple methods of assessment;

16           (2) "Summer school", for reading instruction purposes, a minimum of forty hours  
17 of reading instruction and practice. A school district may arrange the hours and days of  
18 instruction to coordinate with its regular program of summer school.

19           2. For purposes of this section, methods of reading assessment shall be determined  
20 by each school district. Unless a student has been determined in the current school year  
21 to be reading at grade level or above, each school district shall administer a reading  
22 assessment or set of assessments to each student within forty-five days of the end of the  
23 third-grade year, except that the provisions of this subsection shall not apply to students  
24 receiving special education services under an individualized education plan pursuant to  
25 sections 162.670 to 162.999, RSMo, to students receiving services pursuant to Section 504  
26 of the Rehabilitation Act of 1973 whose services plan includes an element addressing  
27 reading or to students determined to have limited English proficiency. The assessment  
28 required by this subsection shall also be required for students who enter a school district  
29 in grades fourth, fifth or sixth unless such student has been determined in the current  
30 school year to be reading at grade level or above.

31           3. Beginning with school year 2002-2003, for each student whose third-grade  
32 reading assessment determines that such student is reading below second-grade level, the  
33 school district shall design a reading improvement plan for the student's fourth-grade year.  
34 Such reading improvement plan shall include, at a minimum, thirty hours of additional  
35 reading instruction or practice outside the regular school day during the fourth-grade year.  
36 The school district shall determine the method of reading instruction necessary to enforce  
37 this subsection. The school district may also require the student to attend summer school  
38 for reading instruction as a condition of promotion to fourth grade. The department of  
39 elementary and secondary education may, from funds appropriated for the purpose,  
40 reimburse school districts for additional instructional personnel costs incurred in the  
41 implementation and execution of the thirty hours of additional reading instruction minus

the revenue generated by the school district through the foundation formula for the additional reading instruction average daily attendance.

4. Each student for whom a reading improvement plan has been designed pursuant to subsection 3 of this section shall be given another reading assessment, to be administered within forty-five days of the end of such student's fourth-grade year. If such student is determined to be reading below third-grade level, the student shall be required to attend summer school to receive reading instruction. At the end of such summer school instruction, such student shall be given another reading assessment. If such student is determined to be reading below third-grade level, the district shall provide a reading improvement plan for the student's fifth-grade year.

5. The process described in subsections 3 and 4 of this section shall be repeated as necessary through the end of the sixth grade, with the grade level requirement rising accordingly.

6. The mandatory process of additional reading instruction pursuant to this section shall cease at the end of the sixth grade. The permanent record of students who are determined to be reading below the fifth-grade level at the end of sixth grade shall carry a notation advising that such student has not met minimal reading standards. The notation shall stay on the student's record until such time as the district determines that a student has met minimal reading standards.

7. Each school district shall be required to offer summer school reading instruction to any student with a reading improvement plan. Districts may fulfill the requirement of this section through cooperative arrangements with neighboring districts.

8. A school district may adopt a policy that requires retention in grade of any student who has been determined to require summer school instruction in reading and who does not fulfill the summer school attendance requirement.

9. Nothing in this section shall preclude a school district from retaining any student in grade when a determination is made in accordance with district policy that retention is in the best interests of the student.

10. The state board of education shall not incorporate information about the number of students receiving additional instruction pursuant to this section into any element of any standard of the Missouri school improvement program or its successor accreditation program; provided, however, each district shall make available, upon the request of any parent, patron, or media outlet within the district, the number and percentage of students receiving remediation pursuant to this section. The information shall be presented in a way that does not permit personal identification of any student or educational personnel.

78           **11. Each school district shall make a systematic effort to inform parents of the**  
79 **methods and materials used to teach reading in kindergarten through fourth grade, in**  
80 **terms understandable to a layperson.**

          Section B. Because immediate action is necessary to preserve the reading ability of the  
2 elementary school students of Missouri, section A of this act is deemed necessary for the  
3 immediate preservation of the public health, welfare, peace and safety, and is hereby declared  
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be  
5 in full force and effect on July 1, 2001, or upon its passage and approval, whichever later occurs.